

世界知识产权组织标准委员会（CWS）

第六届会议

2018 年 10 月 15 日至 19 日，日内瓦

关于开发专利法律状态数据用 XML 的报告

国际局编拟的文件

导 言

1. 产权组织标准委员会（CWS）在其 2017 年 5 月 29 日至 6 月 2 日举行的第五届会议上通过了产权组织标准 ST. 27 “关于交换专利法律状态数据的建议”。标准委员会要求 XML4IP 工作队与法律状态工作队协商，根据产权组织标准 ST. 27 开发可扩展标记语言（XML）架构组件，以便为交换专利法律状态数据提供便利。标准委员会还要求在其第六届会议上报告结果。（见文件 CWS/5/22 第 50 段和第 53 段。）

2. 根据上述要求，XML4IP 工作队通过工作队 Wiki 和若干在线会议进行了两轮讨论。在 2017 年渥太华和 2018 年莫斯科的现场会议上，也对这一议题进行了密集讨论。由于各知识产权局在专利法律状态方面的数据结构复杂且做法各异，工作队需要更多时间来准备用于专利法律状态数据的 XML 组件的最终提案。

3. 在对有关各知识产权局执行产权组织标准 ST. 27 的通函 C.CWS 92 号的回复中，一些知识产权局表示其执行取决于法律状态 XML 架构组件是否可供使用。

进展报告

4. XML4IP 工作队在开发专利法律状态 XML 时还开展了关于专利记录 XML 的工作，因为这两个 XML 数据集应使用基本相同的数据组件。这两个数据集的主要区别是，专利法律状态数据集在生成数据时包含知识产权局处理的所有专利申请，而专利记录数据集捕捉的是单个专利申请完整周期的数据。

5. 工作队同意专利法律状态 XML 的高级架构，以及 XML 组件中的大部分。正在讨论中的两个主要的未决议题是：

- 与事件相关联的补充数据的结构；和
- 补充数据的内容（根据产权组织标准 ST.27 附件二，应与事件一同提交）。

6. 关于补充数据结构，提出了两种备选方案：（a）支持产权组织标准 ST.27 定义的 21 个类别中所有事件的总体结构；和（b）针对每个类别的具体结构。两个方案各有利弊，工作队成员各有偏好。关于总体结构和具体结构的架构草案分别作为附件一和附件二转录于本报告。

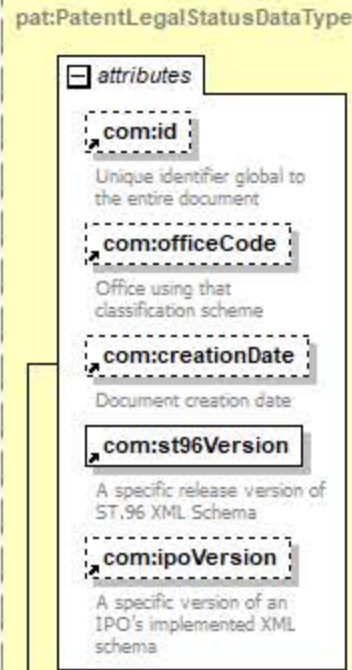
7. 关于补充数据的内容，工作队注意到需要更多时间来审查各知识产权局的数据。工作队还认识到，根据数据内容更新产权组织标准 ST.27 附件二可能并不现实，因为附件二提供的是相互关联的信息的总体情况，而非用于部分知识产权局的具体和/或特定数据组件。XML4IP 工作队完成这方面工作后，将就此与法律状态工作队进行讨论。

8. 请标准委员会：

(a) 注意本文件中所载的 XML4IP 工作队的工作成果和工作队牵头人的报告；并

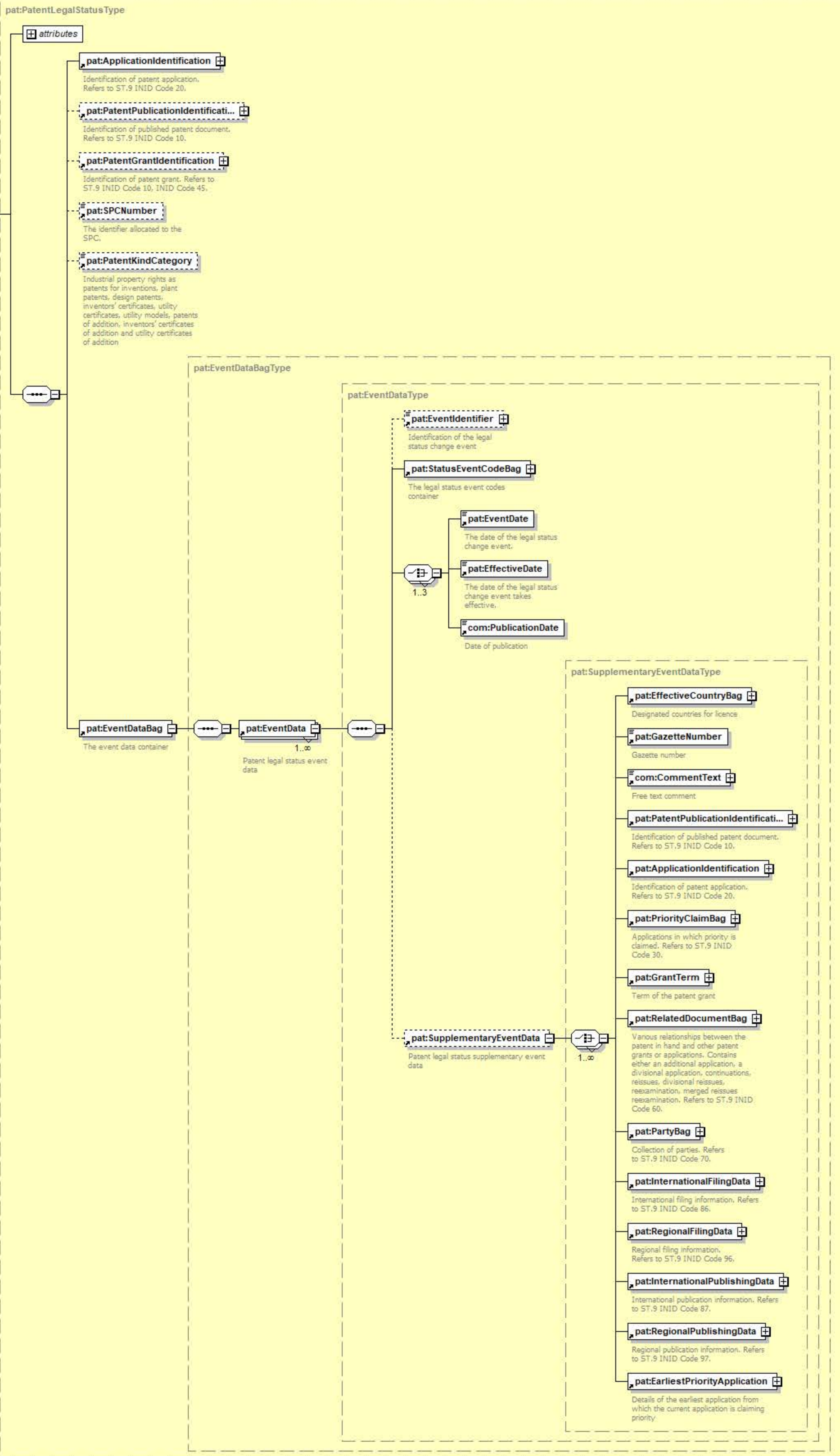
(b) 工作队在标准委员会第七届会议上提交专利法律状态数据最终草案。

[后接附件]



PatentLegalStatusData

A collection of patent Legal Status documents



PatentLegalStatusData
A collection of patent legal status documents

attributes

comid

Unique identifier global to the entire document

com:officeCode

Office using that classification scheme

com:creationDate

Document creation date

com:st96Version

A specific release version of ST 96 XML Schema

com:ipoVersion

A specific version of an IPO's implemented XML Schema

pat:PatentLegalStatus

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Patent Legal Status document

pat:PatentLegalStatusType

attributes

pat:ApplicationIdentification

Identification of patent application. Refers to 57.9 INID Code 20.

pat:PatentPublicationIdentification

Identification of published patent document. Refers to 57.9 INID Code 10.

pat:PatentGrantIdentification

Identification of patent grant. Refers to 57.9 INID Code 10, INID Code 45.

pat:IPRightKindCategory

Industrial property rights or patents for inventions, plant patents, design patents, inventors' certificates, utility certificates, utility models, patents of addition, inventors' certificates of addition, and utility certificates of addition

pat:StatusEventDataBag

The event data container

pat:StatusEventDataBag Type

pat:StatusEventData

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Patent legal status event data

pat:StatusEventData Type

pat:StatusEventIdentifier

Identification of the legal status change event

pat:StatusEventCode

Based on WIPO ST-27 - The conventional legal status event code

Consists of one character StatusStateCode

one character PreviousStageCode

one character CurrentStageCode

three characters KeyEventCode

three characters DetailedEventCode and

three characters NationalEventCode

KeyEventCode, DetailedEventCode and NationalEventCode must use XXX for unknown value

NationalEventCode must be an Alpha-numeric value with no special characters

pat:EventDate

The date of the legal status change event

pat:EffectiveDate

The date of the legal status change event takes effect

com:PublicationDate

Date of publication

pat:ApplicationFilingEventData

This category is a group of events related to the filing of an application. It includes, for example, when a national or regional IPO receives an application for the grant of an IP right together with any additional documentation and fees necessary to obtain a filing date under national or regional law or convention or the Patent Cooperation Treaty (PCT) as applicable. This category also includes events related to the filing of a provisional application, divisional application, continuation, continuation in part, or an application for conversion. It also includes entry of an international application into the national or regional phase

pat:ApplicationDiscontinuationEventData

This category is a group of events related to the discontinuation of an application. It includes, for example, when an application has been voluntarily withdrawn by the applicant, was deemed to be withdrawn, abandoned or lapsed or was refused by the IPO. The events in this category may move an application from the filing stage, examination stage or pre-grant challenge stage into the termination (likely) stage

pat:ApplicationRevivalEventData

This category is a group of events related to the revival, reinstatement or restoration of an application after it has been discontinued. It includes, for example, when an application was revived following a request for application revival after payment of an outstanding fee, responding to an obscuring office action which has resulted in the application being discontinued, or following an appeal. The events in this category may move an application from the termination (likely) stage into the filing stage, examination stage or pre-grant challenge stage

pat:SearchExaminationEventData

This category is a group of events related to the examination proceeding and prior art searches. It includes, for example, a formality examination or a substantive examination. It also includes a request for a prior art search and an announcement of the intention of the IPO to grant an IP right. The events in this category may move an application from the filing stage into the examination stage

pat:PreGrantReviewRequestEventData

This category is a group of events related to the request for a pre-grant review. It includes, for example, a request for a pre-grant opposition, pre-grant re-examination, or pre-grant limitation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an application from the examination stage or the termination (likely) stage into the pre-grant challenge stage

pat:IPRightGrantEventData

This category is a group of events which relate to the effective grant date of an IP right and/or entry of an IP right into the IPO's register. It includes, for example, when an IP right was granted following an examination, an appeal, pre-grant review or inadmissibility, rejection or withdrawal of a pre-grant review request. The events in this category may move an application from the examination stage or the pre-grant challenge stage into the grant stage

pat:ProtectionBeyondIPRightTermEventData

This category is a group of events related to the protection of an IP right beyond its term. It includes, for example, a request for a patent term adjustment (PTA), patent term extension (PTE) or a supplementary protection certificate (SPC) extension and also includes related events that occur subsequent to such a request. The events in this category occur during the grant stage

pat:IPRightCessationEventData

This category is a group of events related to the cessation of an IP right. It includes, for example, the cessation of an IP right following an IP right review, appeal, a refusal to reinstate, or a lapse or expiry. The events in this category may move an IP right from the grant stage or the pre-grant challenge stage into the termination (likely) stage

pat:IPRightRevivalEventData

This category is a group of events related to the reinstatement or restoration of an IP right after its cessation. It includes, for example, the request for the reinstatement and the decision to reinstate an IP right, including by way of an appeal. The events in this category may move an IP right from the termination (likely) stage into the grant stage or the post-grant challenge stage

pat:IPRightReviewRequestEventData

This category is a group of events related to a request for a review of an IP right after its grant. It includes, for example, a request for a post-grant opposition, re-examination, limitation, reissue, surmount, or invalidation. It also includes when such a request was inadmissible, rejected or withdrawn. The events in this category may move an IP right from the grant stage or the termination (likely) stage into the post-grant challenge stage

pat:IPRightMaintenanceEventData

This category is a group of events related to the maintenance of a granted IP right in full or amended form. It includes, for example, an IP right being maintained in full or amended form following an appeal, an IP right review or the inadmissibility, rejection or withdrawal of a request for an IP right review. The events in this category may move an IP right from the post-grant challenge stage into the grant stage

pat:PermanentTerminationEventData

This category is a group of events related to the permanent termination of an application or an IP right. It includes, for example, when an application or IP right was permanently terminated by the IPO or a court. The events in this category are not available to all IPOs

pat:DocumentModificationEventData

This category is a group of events related to modifications of an application, IP right, document or other documents, which occur outside the context of a pre-grant review or IP right review. It includes, for example, amendments and corrections of errors in applications and IP right documents. The events in this category may occur during any stage

pat:DocumentPublicationEventData

This category is a group of events related to document publication by the IPO. It includes, for example, publication of an application, IP right document or bibliographic information by the IPO. The events in this category may occur during any stage

pat:PartyChangeEventData

This category is a group of events related to the IPO recording changes in party data. It includes, for example, when the IPO records changes to a party concerned with the application or IP right, e.g. the applicant(s), owner(s), inventor(s) or representative(s). It also includes events related to the recording of changes in party contact information. The events in this category may occur during any stage

pat:LicensingInformationEventData

This category is a group of events related to the IPO recording licensing information and amendments to such records. It includes, for example, when an IPO records that a license, pledge or security interest has been agreed to, amended, cancelled or transferred. The events in this category may occur during any stage

pat:AdministrativeProcedureEventData

This category is a group of events related to the adjustment of an administrative procedure conducted by the IPO. It includes, for example, granting an extension of an administrative time limit or continued processing of a necessary procedure. It also includes a suspension, stay or interruption of an administrative procedure, or the resumption of a suspended, stayed or interrupted administrative procedure. The events in this category may occur during any stage

pat:PaymentEventData

This category is a group of events related to the payment of fees. It includes, for example, payment of a renewal, maintenance or other designation fee. The events in this category may occur during any stage

pat:AppealEventData

This category is a group of events related to an appeal of a decision made during the prosecution of an IP right. It includes, for example, a request by the applicant, IP right owner, or third party for an administrative or court appeal of any decision made during the prosecution of an IP right and the procedural outcome of such an appeal. The administrative outcome of the appeal may be mapped to an event in another category, for example, application discontinued, application revived, IP right granted, IP right ceased, or IP right maintained. The events in this category may occur during any stage

pat:OtherEventData

This category covers events which cannot be categorized under any other Category. It is recommended to use this category as a last resort for unusual cases, where a liberal interpretation of the description of all other Categories would fail to adequately describe the nationally/regional event (e.g. legacy events or internal events)

pat:CorrectionEventData

This category is a group of events related to the correction or deletion of event information that the IPO previously provided. It includes, for example, correction in the legal status event code of an application or IP right provided under this Standard or the correction or deletion of an event that was announced erroneously in a patent gazette, IP register or other published documentation. The events in this category may occur during any stage